

**United States Department of Agriculture
Forest Service - Black Hills National Forest**

CHARTER

1. Committee's Official Designation

Black Hills National Forest Advisory Board (the Board)

2. Authority

The Board is established consistent with the Federal Advisory Committee Act of 1972 (5 U.S.C. App. II) (FACA); and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. sec. 1600 et.seq.) (RPA); the National Forest Management Act of 1976 (16 U.S.C. sec. 1612) (NFMA), and the Federal Public Lands Recreation Enhancement Act (Public Law No. 108-447) (REA).

3. Objectives and Scope of Activities

The purpose of the Board is to provide advice and recommendations on a broad range of forest issues such as forest plan revisions or amendments, forest health including fire and mountain pine beetle epidemics, travel management, forest monitoring and evaluation, recreation fees, and site-specific projects having forest-wide implications.

4. Description of Duties

The Board is solely advisory in nature and will offer the following:

- a) The Board provides timely advice and recommendations to the Secretary of Agriculture through the Black Hills National Forest Supervisor regarding programmatic forest issues and project level issues that have forest-wide implications.
- b) Consistent with applicable laws and Department regulations, the Board may adopt such by-laws of operation as it deems advisable.
- c) The Board is the Recreation Resources Advisory Committee for the Black Hills National Forest that takes on the responsibility of providing advice on recreation fees, and make recommendations on the following:

- (1) The implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;
- (2) The elimination of a standard amenity recreation fee or an expanded amenity recreation fee;
- (3) The expansion or limitation of the recreation fee program;
- (4) The implementation or elimination of noncommercial, individual special recreation permit fees; and
- (5) The implementation of fee-level changes (increases or decreases).

5. Agency or Official to Whom the Committee Reports

The Board reports to the Secretary of Agriculture through the Forest Supervisor. The Secretary of Agriculture retains authority to appoint Board members.

6. Support

Administrative support for the Board will be provided by the Black Hills National Forest.

7. Estimated Annual Operating Costs and Staff years.

Members of the Board serve without compensation, but may, in performance of their duties away from home or regular places of business, be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, as authorized in 5 U.S.C. 5703. All expenses will be subject to the approval of the Designated Federal Officer (DFO).

Reimbursement for travel and per diem for attendance at Board meetings called by the Chairperson and with an agenda approved by the DFO will be provided for eligible members who request reimbursement.

Annual operating costs of the Board are estimated at \$30,000. This includes direct costs and 40 percent full-time equivalent (FTE). Expenses will be borne by the US Forest Service each year.

8. Designated Federal Officer

A permanent Federal employee is appointed in accordance with agency procedures to serve as the Designated Federal Officer (DFO). The DFO will approve the advisory

Board's and subcommittees' meetings, prepare and approve meeting agendas, attend all committee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

The Black Hills National Forest Supervisor will serve as the Designated Federal Officer for the National Forest Advisory Board.

9. Estimated Number and Frequency of Meetings

The Board will meet approximately nine times per year and will attend one summer field tour. A majority of the Board members must be present to constitute an official meeting. The Board or sub-committee shall not hold any meetings except at the call of, or with the advance approval of, the DFO. Attendance may be in-person, by telephone, or by other electronic means.

10. Duration of the Board

Continuing.

11. Termination

This charter will be in effect for 2 years from the filing date and will be renewed every two years. However the Board will be evaluated biannually for its effective use and control by the Agency.

12. Membership and Designation

12a. This Board will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships. The Board will consist of not more than 16 members who provide balanced and broad representation within each of the following of the interests:

- Developed outdoor recreation, Off-Highway Vehicle (OHV) use, or commercial recreation
- Economic development
- Energy and mineral development
- Forest products industry
- Nationally recognized sportsmen's group such as anglers or hunters
- Archaeological, cultural, and historical interests

- Nationally recognized environmental organization
- Regionally recognized environmental organization
- Dispersed recreation
- Hold federal grazing permits or other land use permit
- Tribal government elected or appointed official
- Hold state, county, local-elected or appointed office South Dakota or Wyoming
- State Natural Resource Agency official from South Dakota
- State Natural Resource Agency official from Wyoming

Vacancies on the Board will be filled in the manner in which the original appointments were made.

- 12b. Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Board. To ensure that the recommendations of the Board have taken into account the needs of the diverse groups served by USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the needs of men and women of all racial and ethnic groups, and persons with disabilities.
- 12c. The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, gender, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.
- 12d. Of these members, one will become the chairperson who is recognized for their ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Board. A co-chairperson may be assigned, especially to facilitate their transition to become the chairperson in the future.
- 12e. Ethics Statement

To maintain the highest levels of honesty, integrity and ethical conduct, no Board or sub-committee member shall participate in any "specific party matters" (i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Board or Subcommittee members to immediately disclose to the DFO (for discussion with USDA's Office of Ethics) any specific party matter in which the member's immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Board's recommendations. Members of the Board shall be required to disclose their direct or

indirect interest in leases, licenses, permits, contracts, or claims grants, or agreements that involve lands or resources administered by the Forest Service, or in any litigation related thereto. For purposes of this paragraph, indirect interest includes holdings of a spouse or a dependent child.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Board's advice and recommendations. Members of the Board are appointed as "representatives" and are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

Members appointed as "Special Government Employees" (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGE's are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form) and, upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

13. Subcommittees

The Board has the authority to create subcommittees. Subcommittees must report back to the Board for possible action on any recommendations, and must not provide advice or work products directly to the Agency.

14. Recordkeeping

The records of this Board, any formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Board is available online at <http://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees>

15. Filing Date:

April 30, 2014